

In the Drawings:

Attached are two replacement sheets of figures, the first replacing the sheet bearing figures 1 – 3, and the second replacing the sheet bearing figures 4 and 5.

REMARKS

An additional information disclosure statement and references DE 3004958, DE 8404176 and DE 29414974 are submitted. The Patent Office is authorized to charge such fee as may be due to fully consider these references.

Claim 38 is cancelled by this amendment, obviating the Examiner's objection to the drawings (and rejection of the claim) with respect to showing a spring tongue formed by a wall 10.

Concerning the Examiner's objection to the drawings for failing to show the various elements indicated in paragraph 3 of her office action, the specification has been amended to obviate this concern.

In paragraph 4 of the Office Action, the Examiner objects to the drawings for failing to illustrate the protruding stop 32 and the stop 33. These features, while small in size, are, in fact, shown both in Figures 2 and 6. In Figure 2, it is shown that stop 32 of core 4 extends radially outward. Similarly, Figure 2 shows that stop 33 of cavity 3 extends radially inward. In Figure 6, these elements are shown one blocking the other to serve as a stop against further axial movement, as shown at the tail of the reference lines. (Figures 3 and 5 mistakenly associate stop 33 with the tip of a screwdriver bit, and have been changed in the replacement pages attached to be consistent with the specification and Figures 2 and 6.)

In paragraph 6 of the Office Action, the Examiner objected to the incorporation by reference of non-U.S. application DE 10233866.3. The specification has been amended to obviate this objection.

In paragraph 7 of the Office Action, the Examiner stated that the substitute specification submitted on March 25, 2008" was not been entered because a marked-up copy of the

substitute specification was not provided. However, the Patent Office image file wrapper shows that the marked-up copy was received by the Patent Office on March 25, 2008. The Applicant's representative discussed this matter with the Examiner by telephone on October 3, 2008, and it was agreed that the necessary marked-up copy had, in fact, been properly submitted to the Patent Office.

Claim Status

Claims 24 – 37, 39, 43, 47, 48 and 49 are pending in this application, claims 48 and 49 being added by this amendment.

Claim Rejections Under 35 USC 112, Second Paragraph

Claims 27, 38, 43 and 47 were rejected under 35 USC 112, second paragraph, as being indefinite. Claim 38 has been cancelled, and the claims have been amended to obviate these rejections.

Prior Art Rejections

The Examiner has made several sets of prior art rejections of the claims, which are addressed in turn:

I. Claims 24 – 31 and 35 – 39 stand rejected under 35 USC 102(b) as being clearly anticipated by Feng (5517885). Claims 34, 43, and 47 stand rejected under 35 USC 103(a) as being unpatentable over Feng in view of Wu (6155143)

Claim 24 recites that "the latching means is movable out of its latching position by pressure". Claim 35 recites that "the latching means leaves its latching position of its own

accord as a result of pressure." The latching means in Feng is a fork-like dented section 342 which is moved out of its latching position by application of a dragging tensile force along lever 34. Applying pressure to 34 along with its dented portion 342 does not move the latch out of its latching position – "pushing" lever 34 must be dragged away from the dented edges 221 into which it fits. Moreover, with respect to claim 24, the claim has been amended to recite a push button for moving the latching means out of its latching position, and further recites its orientation of activation, which is along the main axis of the tool – contra anything suggested by the elements 34 and 342 of Feng for the disengagement of its tool head module from its handle. For at least these reasons, the rejections are improper and should be withdrawn.

With respect to the obviousness rejection of claim 34, Wu does not teach what Feng does not with respect to parent claim 24, and for at least this reason the rejection is improper and should be withdrawn. Moreover, Wu does not even disclose "a prestressed spring for moving two handle parts to an open position" as the Examiner suggests because it only discloses a single, unitary handle 20. The spring in Wu is used to urge a shank 30 out of this unitary handle 20, and not to urge two handle parts apart.

With respect to the obviousness rejection of claims 43 and 47, it is again noted that Wu does not even teach that its handle has two parts to be urged apart. The spring in Wu urges the shank away from the unitary handle, and so cannot be looked to as suggested by the Examiner to teach a spring for moving two handle parts to an open position. Also, claim 43 has been amended to recite push-button structure not disclosed in Feng.

II. Claims 24 – 27 and 35 – 36 stand rejected under 35 USC 102(b) as being clearly anticipated by Liao (2004/009400). Claims 34, 43, and 47 stand rejected under 35 USC 103(a) as being unpatentable over Liao in view of Wu (6155143).

Liao teaches an elastic key 351 which the Examiner views as acting as a push-button. However, the overall structural approach of Liao requires that this element be located on the side of the handle and pressed in a direction that is orthogonal to the main axis of the tool. In contrast, and as is set forth in independent claim 24, the actuating push button of this invention is located on the end of the tool handle and pressed along the main axis of the tool for disengagement of the latch. For at least these reasons these claims are not anticipated by Liao.

With respect to claim 35 and dependent claim 36, it is respectfully noted that claim 35 recites that "the latching means leaves its latching position of its own accord as a result of pressure on an actuating zone." Liao does not teach this. Instead, Liao teaches that a load must be kept in place on the elastic key 351 as its front and rear shanks are pulled apart, which is quite different from what is set forth in these claims.

With respect to the obviousness rejections of claim 34, Wu fails to teach what Feng does not teach with respect to parent claim 24, and for at least this reason the rejection is improper and should be withdrawn. Concerning the rejections of claims 34, 43, and 47, it is additionally again noted that Wu does not even disclose a prestressed spring for moving two handle parts to an open position because it only discloses a single, unitary handle 20. The spring in Wu is used to urge a shank 30 out of this unitary handle 20, and not to urge two handle parts apart. Moreover, claim 43 has been amended to recite push-button structure and orientation not taught by these references. For at least these reasons, these rejections are improper and should be withdrawn.

III. Claims 24 and 35 – 36 stand rejected under 35 USC 102(b) as being clearly anticipated by Hu (2004/0025650). Claims 34, 43, and 47 stand rejected under 35 USC 103(a) as being unpatentable over Hu in view of Wu (6155143).

Hu teaches a latching means in the form of an annular protrusion 32 which cooperates with a circular groove 12, and its two handle portions can only be disengaged by the application of a tensile force to turning head 3, and not pressure to the top surface of turning head 3. This is counter to the approach set forth in claim 24, in which disengagement of the two halves of the handle is accomplished by pressing down on a button aligned along the axis of the tool, and for at least this reason the rejection is improper.

Claim 35 (and its dependent claim 36) recites that "the latching means leaves its latching position of its own accord as a result of pressure on an actuating zone of the first handle part". Hu simply does not teach a latching means that leaves its latching position of its own accord, and certainly not as a result of pressure (which, as noted above, is the direction employed in Hu for engaging the latch).

The rejection of claim 34 as being obvious over Hu in view of Wu is improper because it is premised on Hu teaching all of parent claim 24 sans the use of a spring which, as noted above, is not the case. Moreover, and with respect to the obviousness rejections of claims 34, 43 and 47, Wu does not even teach that the spring it employs can be used to urge handle portions apart, but instead teaches it for urging a shank to extend out of its single piece handle. Also, claim 43 has been amended to recite push-button structure not taught by these references. For at least these reasons, these rejections are improper and should be withdrawn.

Fees

This response is being filed with a petition for a one-month extension of time and a Supplemental Information Disclosure. No further fee is believed to be required. If, on the other hand, it is determined that any further fees are due or any overpayment has been made, the Assistant Commissioner is hereby authorized to debit or credit such sum to deposit account 02-2275.

Pursuant to 37 C.F.R. 1.136(a)(3), please treat this and any concurrent or future reply in this application that requires a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. The fee associated therewith is to be charged to Deposit Account No. 02-2275

Conclusion

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and such action is respectfully requested.

By: 

Respectfully submitted,
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